

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                        |   |                      |
|------------------------|---|----------------------|
| RAYMOND GAUNTT, JR.,   | ) |                      |
|                        | ) |                      |
| Plaintiff,             | ) |                      |
|                        | ) |                      |
| v.                     | ) | Civil No. 05-500-GMS |
|                        | ) |                      |
| DRILL INSTRUCTOR BYRD, | ) |                      |
| et al.,                | ) |                      |
|                        | ) |                      |
| Defendants.            | ) |                      |

**ORDER**

WHEREAS, Raymond Gauntt, Jr., (“Gauntt”), was a prisoner incarcerated at the Sussex Correctional Institute, Georgetown, Delaware at the time he filed this 42 U.S.C. § 1983 action, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on August 2, 2005, the court entered an order and granted Gauntt leave to proceed *in forma pauperis*, assessing a filing fee of \$250 and requiring Gauntt to pay an initial partial filing fee of \$13.50 (D.I. 3);

WHEREAS, Gauntt has paid a total of \$21.50 toward the \$250 filing fee owed;


WHEREAS, on November 28, 2005, the court received a change of address for Gauntt that indicated he had been released from prison and that provided the court with his home address upon release;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 31<sup>st</sup> day of March, 2006, IT IS HEREBY

ORDERED that within thirty days from the date of this order, Gauntt shall either pay the balance of the filing fee owed (\$228.50) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

**NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.**

  
UNITED STATES DISTRICT JUDGE